

Reasons For Allowance

Appeal

1. In view of the appeal Brief filed on March 09, 2010, PROSECUTION IS HEREBY REOPENED. The rejection is withdrawn and new office action will be mailed set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617.

Examiners Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as

provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Alex Haymond on August 23, 2010.

The application has been amended as follows:

Based on the claim set filed on May 18, 2010, only claim 9 was amended as insert "configured" after "a controller" in line 4 and insert "further configured" after "wherein sad controller is" in line 11 of claim 9.

3. An examiner's amendment to the specification appears below.

In the specification, after the Title and before the section of Technical Field the following section has been added:

Cross Reference to relate applications

This application claims benefit under USC 120 or 365(c) to PCT/RU2006/000101.

Allowable Subject Matter

4. Claims 1, 3-9, 12-16, 28, 30-34 are allowed.
5. Claims 2, 10, 11, 17-27, 29 are canceled.
6. The following is a statement of reasons for the indication of allowable subject matter:
7. Consider independent claim 1, 9, 28, the best prior art found of record during the examination of the present application are:

- i. Weygand (US- 5784368).
- ii. Pluckier (US- 2001/0014083).

This is based the appeal brief decision.

With the respect to claim 1, the prior art of record fails to disclose singly or in combination or render obvious that A computer implemented method comprising: acquiring information about interfering base stations in a vicinity of a base station of interest (BSOI); and choosing one of said interfering base stations as a master base station for said BSOI, wherein a master base station is a base station to which another base station is to synchronize; wherein choosing one of said interfering base stations as a master base station includes: when said interfering base stations are from multiple sync groups, selecting a sync group from said multiple sync groups to be a master sync group, wherein a sync group is a group of base stations that are currently synchronized with one another; when said interfering base stations are all from a common sync group, identifying said common sync group as said master sync group; and when said master sync group includes at least one master base station that is also one of said interfering base stations and that has a received signal strength within said BSOI that is adequate to perform accurate synchronization, assigning one of said at least one master base station as a master base station of said BSOI.

With the respect to claim 9, the prior art of record fails to disclose singly or in combination or render obvious that A base station controller (BSC) comprising: a receiver to receive a list of interfering base stations associated with a base

station of interest (BSOI); a controller configured to select a master base station for said BSOI from said list of interfering base stations, wherein a master base station is a base station to which another base station is to synchronize; and a sync group database to store data related to base station sync groups in an associated wireless network, each sync group including one or more base stations in said wireless network that are currently synchronized to one another, wherein said controller is in communication with said sync group database;

wherein said controller is further configured to: (a) when said base stations in said list of interfering base stations are from multiple sync groups, select a master sync group from said multiple sync groups; (b) when said base stations in said list of interfering base stations are from a common sync group, identify said common sync group as said master sync group; and (c) select a base station from said list of interfering base stations, that is within said master sync group, for use as a master base station for said BSOI.

With the respect to claim 28, the prior art of record fails to disclose singly or in combination or render obvious that an article comprising a machine readable storage medium having instructions stored thereon that, when executed by a computing platform, operate to:

acquire information about interfering base stations in a vicinity of a base station of interest (BSOI); and

choose one of said interfering base stations as a master base station for said BSOI, wherein a master base station is a base station to which another base station is to synchronize;

wherein operation to choose one of said interfering base stations as a master base station includes operation to:

when said interfering base stations are from multiple sync groups, select a sync group from said multiple sync groups to be a master sync group, wherein a sync group is a group of base stations that are currently synchronized with one another;

when said interfering base stations are all from a common sync group, identify said common sync group as said master sync group; and when said master sync group includes at least one master base station that is also one of said interfering base stations and that has a received signal strength within said BSOI that is adequate to perform accurate synchronization, assign one of said at least one master base stations as a master base station of said BSOI.

Accordingly, in light of the cited references, the present invention is novel and non-obvious since the prior arts of record do not contain either explicitly or implicitly the limitations as a whole as disclosed in claims 1, 9, 28. In addition, any reasonable combination of the cited references cannot be used to reconstruct the claimed invention. Therefore, the present application as claimed is allowable. Hence, the present application is allowable as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG A. NGO whose telephone number is 571-270-7264. The examiner can normally be reached on Monday through Thursday 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHUONG A NGO/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617